

**BEFORE THE BOARD OF EDUCATIONAL EXAMINERS
OF THE STATE OF IOWA**

RECEIVED
EXECUTIVE DIRECTOR
BOARD OF EDUCATIONAL EXAMINERS

SEP 25 2020

In the matter of:)	BOEE Case No. 20-32
)	Folder # 300175
MARY RUHNKE,)	
)	SETTLEMENT AGREEMENT AND
Respondent.)	FINAL ORDER
)	

In accordance with the provisions of Iowa Code sections 17A.12(5) and 272.2(4) and 282 Iowa Administrative Code rule 11.4(6), and with full knowledge of the right to demand a formal hearing before the Board upon the pending complaint prior to the imposition of sanction upon her license(s), the Respondent expressly waives the right to a disciplinary hearing and notifies the Board of her desire to resolve the pending complaint through means of informal disposition.

The Respondent concedes the jurisdiction of the Board for all issues relevant hereto and voluntarily consents to the State's counsel presenting this agreement to the Board with the terms provided. If the Board does not accept the terms of this agreement, the disciplinary hearing will be rescheduled and the stipulations contained herein are not binding upon the Respondent and will not be presented against her at the time of hearing without further agreement of the Respondent.

Board approval of this settlement shall constitute resolution of this matter and will be entered as a FINAL ORDER of the Board.

STIPULATIONS

1. Respondent holds a Standard LICENSE (FOLDER # 300175) with the following endorsements: k-6 teacher elementary classroom; k-8 English/language arts; k-8 mental disabilities mild/moderate; k-12 instructional strategist II: ID. This license is current and will next expire on 1/31/2021. Respondent previously held a Class A license with K-6 teacher elementary classroom, mental disabilities mild/moderate, k-8 English/language endorsements which expired on 1/31/2006. Respondent also held a substitute license that expired on 1/31/1993.

2. During all material events of this case, Respondent was employed as a Special Education teacher with the Clinton School District.

3. On March 2, 2020, the Board of Educational Examiners received a complaint against Respondent alleging various violations. On June 26, 2020, the Board found probable cause to proceed to hearing. A hearing in this matter is currently scheduled.

Count I

4. Respondent is charged with committing any act of physical abuse of a student, in violation of 282 Iowa Administrative Code rule 25.3(1)(e)(1).

Count II

5. Respondent is charged with failing to make reasonable effort to protect the health and safety of the student or creating conditions harmful to student learning, in violation of 282 Iowa Administrative Code rule 25.3(6)(c).

6. Investigation revealed that Respondent admittedly kicked a student which was also witnesses by another school employee. That the Respondent used improper seclusion and restraint techniques and did not properly report those to school administration.

SETTLEMENT AGREEMENT

7. This Settlement Agreement and Final Order constitutes the final resolution of a contested case proceeding and shall have the force and effect of a disciplinary order entered following a contested case hearing.

8. In order to resolve this matter without proceeding to hearing, Respondent agrees to the following conditions:

- a. The State agrees to dismiss Count I set out above, with the Respondent stipulating to violating Count II.
- b. Respondent accepts a WRITTEN REPRIMAND.
- c. Respondent accepts a SUSPENSION of her license(s) for a minimum of two (2) years. Respondent agrees she bears the burden of applying for reinstatement pursuant to 282 Iowa Administrative Code 11.34 and that she bears the burden of proving that the basis for her suspension no longer exists and that it will be in the public interest to reinstate her license(s). Additionally, Respondent agrees she is not eligible for reinstatement or to apply for any other license or authorization issued by the Board until she satisfactorily completes the requirements of subparagraphs (d) below.
- d. Respondent agrees to successfully complete seclusion and restraint training prior to seeking reinstatement of her license(s). Respondent shall submit the seclusion and restraint training class to the Board's Executive Director for approval prior to commencing the class. Respondent is responsible for all costs associated with the completion of this requirement. Respondent shall provide the Board with proof of successful completion of this requirement prior to seeking reinstatement.

LICENSEE DECLARATION

I understand that this Settlement Agreement and Final Order is subject to the approval of the Board and will have no force or effect if it is not accepted by the Board.

I understand that I have the right to be represented by counsel in this matter.

I understand State's counsel will present this Settlement Agreement and Final Order to the Board *ex parte*.

I agree to comply with the requirements set forth in the stipulations and requirements of this Settlement Agreement and Final Order and understand that my failure to do so can result in additional discipline of my license(s).

I understand I have an opportunity to be heard and to contest the allegations against me in a formal hearing before the Board and that by waiving the formal hearing, I waive my right to challenge the allegations against me and all attendant rights, including the right to appeal or seek judicial review of the Board's actions.

I understand that this Settlement Agreement and Final Order is a public record, which will become part of my permanent licensure file and will be available for public inspection and reproduction.

I understand that my name will be added to the national clearinghouse database kept by the National Association of State Directors of Teacher Education and Certification (NASDTEC).

9/23/2020
Date

Mary Ruhne
MARY RUHNE, Respondent

ORDER

IT IS THE FINAL ORDER OF THE IOWA BOARD OF EDUCATIONAL EXAMINERS THAT:

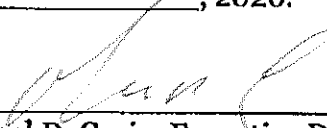
1. The conduct with which Respondent has been charged constitutes a violation of the Code of Professional Conduct and Ethics governing the teaching profession, specifically to Count II. Respondent is REPRIMANDED for the charged conduct.

2. Additionally, Respondent's license(s) are SUSPENDED for a minimum of two (2) years. Respondent bears the burden upon reinstatement to prove that the reason for suspension no longer exists and that it will be in the public interest to reinstate her license(s). Additionally, Respondent is not eligible for reinstatement or to apply for any other license or authorization issued by the Board until she satisfactorily completes the requirements of paragraphs (3) below.

3. Respondent agrees to successfully complete seclusion and restraint training prior to seeking reinstatement of her license(s). Respondent shall submit the seclusion and restraint training class to the Board's Executive Director for approval prior to commencing the class. Respondent is responsible for all costs associated with the completion of this requirement. Respondent shall provide the Board with proof of successful completion of this requirement prior to seeking reinstatement.

4. In determining the appropriate sanction to impose in this case, the Board has considered the nature and seriousness of the allegations as well as mitigating circumstances.

Dated this 23rd day of October, 2020.



Michael D. Cavin, Executive Director
Iowa Board of Educational Examiners

Copies to:

Mary Ruhnke
RESPONDENT

Christy Hickman
RESPONDENT'S ATTORNEY

Jesse Ramirez
ATTORNEY FOR THE STATE

**BEFORE THE BOARD OF EDUCATIONAL EXAMINERS
OF THE STATE OF IOWA**

In the matter of)	Case No. 20-32
)	Folder No. 300175
MARY J. RUHNKE,)	
)	NOTICE OF HEARING
Respondent.)	AND STATEMENT OF CHARGES

YOU ARE HEREBY NOTIFIED that the Iowa Board of Educational Examiners, exercising the jurisdiction conferred by Iowa Code chapters 17A and 272, has found probable cause of a violation of Board rules and ordered this matter scheduled for hearing.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing will be held on Thursday, September 24, 2020, before Administrative Law Judge Emily Kimes-Schwiesow, acting on behalf of the Iowa Board of Educational Examiners. The hearing shall begin at 9:00 a.m. at the Department of Inspections and Appeals, Wallace State Office Bldg., 3rd floor, DNR 3E&W Conference Room (in order to enable sufficient social distancing), 502 E. 9th Street (East 9th and Grand Avenue), Des Moines, Iowa. Please enter the Wallace Building at the main entrance on the east side. Public parking is available in the parking ramp on the west side of the Wallace Building. If the building is locked upon your arrival, please wait and someone will let you in momentarily. You may also call (515) 281-6468 upon arrival. This location is subject to change prior to the hearing. You will be notified should there be a change in location. Included with this Notice of Hearing and Statement of Charges is a copy of the Administrative Hearings Division In-Person Hearing Pandemic Protocol that will be in place at the time of the hearing.

2. Answer. Within twenty (20) days of the date of service of this Notice of Hearing, you are required to file an Answer specifically admitting, denying, or otherwise responding to the allegations included within the Factual Allegations. In that Answer, you should also state whether you will require an adjustment of the date and time of the hearing. A copy of the Answer shall be provided by the Respondent to the Assistant Attorney General identified below.

3. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 282 Iowa Administrative Code chapter 11. At hearing, you may appear personally or be represented by an attorney, at your own expense. You will be allowed the opportunity to respond to the charges against you. Each party will be allowed to testify, examine and cross-examine witnesses, and present documentary evidence. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence. If you need to request an alternative time or date for hearing, you must comply with the requirements of 282 Iowa Administrative Code rule 11.19.

This hearing may be held telephonically or by some other electronic means with consent of all the parties. If either party wishes to present telephonic testimony or to

participate in the hearing by telephone (or other electronic means), arrangements must be made at least ten (10) days in advance of the hearing date by filing a written request with the presiding Administrative Law Judge, Department of Inspections and Appeals, Wallace State Office Building, Des Moines, Iowa 50319, or by faxing a written request to (515) 281-4477. A copy of the request for telephonic testimony must be served on the Board and all parties. Any resistance to the request for telephonic testimony must be filed within five (5) days of service of the notice.

4. Pre-hearing conference. Either party may request a pre-hearing conference to discuss evidentiary issues related to the hearing. The Board rules regarding pre-hearing conferences are found in 282 Iowa Administrative Code rule 11.18.

5. Prosecution. The office of the Attorney General is responsible for prosecuting and representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address:

Jesse Ramirez
Assistant Attorney General
Iowa Department of Justice
2nd Floor, Hoover State Office Building
Des Moines, Iowa 50319
Telephone (515) 281-3395

6. Communications. You may not contact Board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing or the pending charges. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve on all parties in the case. You should direct any questions about this proceeding to Michael D. Cavin, the Board's Interim Executive Director, at (515) 281-5849 or to Assistant Attorney General Ramirez at (515) 281-3395.

B. SECTIONS OF STATUTES AND RULES INVOLVED

Count I

7. Respondent is charged with committing any act of physical abuse of a student, in violation of 282 Iowa Administrative Code rule 25.3(1)(e)(1).

Count II

8. Respondent is charged with failing to make reasonable effort to protect the health and safety of the student or creating conditions harmful to student learning, in violation of 282 Iowa Administrative Code rule 25.3(6)(c).

C. JURISDICTION AND LEGAL AUTHORITY

9. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A and 272. If any of the allegations against you are proven at hearing, the Board has authority

to take disciplinary action against you under Iowa Code chapters 17A and 272, and 282 Iowa Administrative Code chapter 11.

D. FACTUAL CIRCUMSTANCES

10. Respondent holds a Standard License (FOLDER # 300175) with the following endorsements: K-6 Teacher Elementary Classroom; K-8 English/Language Arts; K-8 Mental Disabilities Mild/Moderate; K-12 Instructional Strategist II: ID. This license is current and will next expire on 1/31/2021. Respondent also holds an expired Class A License and an expired Substitute License.

11. During all material events of this case, Respondent was employed as a Special Education teacher with the Clinton School District.

12. On March 2, 2020, the Board of Educational Examiners received a complaint against Respondent alleging various violations. On June 26, 2020, the Board found probable cause to proceed to hearing based upon the facts set forth herein and delineated in further detail within the complaint and investigation file compiled by the Board.

13. Investigation revealed that Respondent admittedly kicked a student which was also witnesses by another school employee. That the Respondent used improper seclusion and restraint techniques and did not properly report those to school administration. It was also discovered the Respondent did not properly utilize instruction time.

E. SETTLEMENT

14. This matter may be resolved by surrender of your license or an agreement to accept a lesser sanction. The procedural rules governing the Board's settlement process are found at 282 Iowa Administrative Code rule 11.4(6). If you are interested in pursuing settlement of this matter, please contact the Assistant Attorney General identified in Section A, above.

Dated this 22nd day of July, 2020.



Michael D. Cavin, Interim Executive Director
Iowa Board of Educational Examiners

Copies to:

Mary J. Ruhnke (first-class mail and certified mail)
RESPONDENT

Christy Hickman (electronic mail)
RESPONDENT'S ATTORNEY

Jesse Ramirez (electronic mail)
ATTORNEY FOR THE STATE